



San Diego City Attorney **CASEY GWINN**

MEDIA RELEASE

FOR IMMEDIATE RELEASE: February 7, 2000

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The Mt. Soledad Cross Case is Decided! Federal Court Ruling to be Made Public This Morning

Monday, February 7, 2000 — Please Join Us Today at Noon on Mt. Soledad!

San Diego City Attorney Casey Gwinn, Deputy Mayor Harry Mathis, representatives of the Mt. Soledad Memorial Association, and others will discuss the decision of United States District Court Judge Gordon Thompson **today at Noon at the cross on Mt. Soledad in La Jolla.** Copies of the ruling will be available at the press conference.

The 11 year legal battle has finally been resolved in a comprehensive court ruling.

The first lawsuit against the presence of the cross was filed in 1989. In 1991, the federal Court found the cross violated the No Preference Clause of the California Constitution.

In 1992, 72% of the voters of San Diego authorized the City of San Diego to sell land atop Mt. Soledad to comply with a court ruling that the cross could no longer sit on public land. In 1994, the City sold the cross and 222 square feet of land at the foot of the cross to the Mt. Soledad Memorial Association. But cross opponents continued to press legal challenges and in September, 1997, Judge Thompson found the City's sale transaction was unconstitutional.

In 1997, San Diego City Attorney Casey Gwinn pledged to design a sale transaction that was constitutional whether it resulted in the cross staying or not. The City Attorney designed a sealed bidding process and allowed any non-profit organization to bid on the cross and .53 acres of land. The only stipulation was that the land be maintained as a memorial to honor those who have given their lives for our country.

Two atheist organizations bid on the property including a Wisconsin organization which planned to take down the cross and create a statue honoring "Atheists in Foxholes." Three organizations submitted bids with plans to keep the cross including Horizon Christian Fellowship, Father Joe Carroll, and the Memorial Association. The Association was the high bidder in a sealed bidding process. The City sold the cross and the land around it to the Mt. Soledad Memorial Association in 1998 for \$106,000. Atheist Philip Paulson, joined by the American Civil Liberties Union and

the Anti-Defamation League, challenged the City Attorney's sale and went to court to have the cross torn down. Judge Thompson heard arguments in the case last month. While the case has been pending, there have been anonymous threats to destroy the cross. Last month, a large black shroud was placed over the cross though no suspects were ever identified. Today, community leaders will call for an end to the battle over the cross.

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